

PRESERVATION AND PROTECTION OF FUR SEALS

Treaty signed at Washington February 7, 1911

Senate advice and consent to ratification February 15, 1911

Ratified by the President of the United States March 6, 1911

Ratified by the United Kingdom April 20, 1911

Ratifications exchanged at Washington July 7, 1911

Entered into force July 7, 1911, except for articles I-V, which entered into force December 11, 1911

Proclaimed by the President of the United States December 14, 1911

Superseded December 15, 1911, by convention of July 7, 1911¹

37 Stat. 1538; Treaty Series 563

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of adopting effective measures for the preservation and protection of the fur seals, have resolved to conclude a treaty for that purpose and to that end have named as their Plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

ARTICLE I

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects, respectively, and all persons subject to their laws and treaties, and their vessels shall be prohibited while this Article remains in

¹ TS 564, *ante*, vol. 1, p. 804.

force from engaging in pelagic sealing in that part of the Behring Sea and North Pacific Ocean north of the thirty-fifth degree of north latitude and east of the one hundred and eightieth meridian, and that every such person or vessel offending against this prohibition may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be delivered as soon as practicable to the authorities of the nation to which they respectively belong, who alone shall have jurisdiction to try the offense and impose the penalties for the same, the witnesses and proof necessary to establish the offense being also sent with them, or otherwise furnished to the proper jurisdictional authority with all reasonable promptitude; and they agree, further, respectively, to prohibit during the same period the use of any United States or British port by any persons for any purposes whatsoever connected with the operations of pelagic sealing in said waters, and to prohibit during the same period the importation or bringing of any fur-seal skins taken in such pelagic sealing into any United States or British port, and by the necessary legislation and enforcement of appropriate penalties thereunder to make such prohibitions effective.

Such prohibitions, however, shall not apply to Indians dwelling on the coasts of the territory of the United States or of Great Britain and carrying on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each, in the way hitherto practiced by the Indians, without the use of firearms, provided such Indians are not in the employment of other persons, nor under contract for the delivery of the skins to any person.

ARTICLE II

The United States agrees that one-fifth ($\frac{1}{5}$) in number and in value of the total number of sealskins taken annually upon the Pribilof Islands, or any other islands or shores of the waters above defined, subject to the jurisdiction of the United States, to which the seal herd now frequenting the Pribilof Islands hereafter resorts, shall be delivered at the end of each season to an authorized agent of the Canadian Government in the Pribilof Islands: *Provided, however,* That nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its numbers.

ARTICLE III

It is further agreed that as soon as this Article goes into effect the United States shall pay to Great Britain the sum of two hundred thousand dollars (\$200,000) as an advance payment in lieu of such number of fur-seal skins,

to which Great Britain would be entitled under the provisions of this treaty, as would be equivalent to that amount reckoned at their market value at London at the date of delivery, before dressing or curing and less cost of transportation from the Pribilof Islands; such market value in case of dispute to be determined by an umpire to be agreed upon by the High Contracting Parties, which skins shall be retained by the United States in satisfaction of such payment.

The United States further agrees that Great Britain's share of the seal-skins taken on the Pribilof Islands shall not be less than one thousand (1,000) in any year, even if such number is more than one-fifth of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain the sum of ten thousand dollars (\$10,000) annually in lieu of any share of skins during the years when no killing is allowed, and Great Britain agrees that after deducting the skins of Great Britain's share which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from Great Britain's share over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole number of the skins so retained shall equal, reckoned at their market value determined as above provided for, the entire amount so paid, with interest at the rate of four (4) per cent per annum.

If, however, the total number of seals frequenting the Pribilof Islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives, as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE IV

The term "pelagic sealing," as used herein, is defined to be the killing, capturing, or pursuing in any manner whatsoever of fur seals at sea, outside territorial waters.

ARTICLE V

The High Contracting Parties agree that they will each maintain a guard or patrol in the waters of the North Pacific Ocean and Behring Sea so far as may be necessary for the enforcement of the aforesaid prohibitions.

ARTICLE VI

The foregoing Articles shall go into effect as soon, as, but not before, an international agreement is concluded and ratified by the Governments of the United States, Great Britain, Japan, and Russia, by which each of those powers shall undertake, by such stipulations as may be mutually acceptable, to prohibit for a period of not less than fifteen years, its own citizens or subjects, and all persons subject to its laws and treaties, from engaging in pelagic sealing in waters including the area defined in Article I, and effectively to enforce such prohibition.

The foregoing Articles of this treaty shall continue in force during the period of fifteen (15) years from the day on which they go into effect and thereafter until terminated by twelve (12) months' written notice given by either the United States or Great Britain to the other, which notice may be given at the expiration of fourteen years or at any time afterwards.

ARTICLE VII

The High Contracting Parties engage to cooperate with each other in urging other powers whose subjects or citizens may be concerned in the fur-seal fisheries to forego, in virtue of appropriate arrangements, the exercise of the right of pelagic sealing, and also to prohibit the use of their ports and flag in the furtherance of pelagic sealing within the areas covered by such arrangement.

ARTICLE VIII

This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the seventh day of February, in the year of our Lord one thousand nine hundred and eleven.

PHILANDER C. KNOX	[SEAL]
JAMES BRYCE	[SEAL]